

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

FRANKLIN McMILLION,

Plaintiff,

v.

STATE OF ALABAMA, *et al.*,

Defendants.

)
)
)
)
)
)
)
)
)
)

**CIVIL ACTION NO.:
07 cv 563-MHT**

REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on **July 30, 2007**, by telephone and was attended by:

A. Appearing on behalf of Plaintiff:

Russell W. Adams, Esq.
WIGGINS CHILDS QUINN & PANTAZIS, P.C.
The Kress Building
301 19th Street North
Birmingham, AL 35203-3204
(205) 314-0500

B. Appearing on behalf of Defendants:

State Personnel Department and
Jackie Graham, Director of State Personnel Department

Alice Ann Byrne, Esq.
STATE PERSONNEL DEPARTMENT
64 North Union Street ~ Suite 316
Folsom Administrative Bldg.
Montgomery, Alabama 36130
(334) 242-3451

Department of Revenue and G. Thomas Surtees,
Commission of Department of Revenue

Aaron L. Dettling
Gwendolyn B. Garner
John Breckenridge, Jr.
BALCH & BINGHAM
1710 Sixth Avenue North
Birmingham, AL 35203-2014
(205) 251-8100

2. **Initial Disclosures.** The parties will exchange by **October 17, 2007**, the information required by Fed.R.Civ.P. 26(a)(1).

3. **Discovery Plan.** The parties jointly propose to the Court the following discovery plan:

Discovery will be needed on the following subjects: The Plaintiff's allegations and the Defendant's defenses.

All discovery shall be commenced in time to be completed by **December 2, 2008**.

Interrogatories: Maximum of 25 Interrogatories by each party, including sub-parts, with responses due with 30 days after service.

Requests for Production: Maximum of 50 Requests for Production by each party, including sub-parts, with responses due within 30 days after service.

Requests for Admissions: Maximum of 15 Requests for Admission by each party to any other party, with responses due 30 days after service.

Depositions: Maximum of ten depositions by the Plaintiff and ten by the Defendant. Each deposition limited to a maximum of seven hours unless extended by agreement of parties.

Expert Witnesses: The parties shall comply with the following deadlines in regard to experts under Rule 26(a)(2):

Plaintiff's experts will be disclosed by **July 7, 2008**.
Plaintiff's experts' reports will be due by **July 7, 2008**.

Defendant's experts will be disclosed by **August 11, 2008**.
Defendant's experts' reports will be due by **August 11, 2008**.

Supplementations: Supplementations under Rule 26(e) due within 30 days of learning of the need to supplement, but, in no event, less than 30 days before the close of discovery.

4. **Other Items.**

A. The Plaintiff shall have until **May 5, 2008**, to join any additional parties and to amend the pleadings.

B. The Defendant shall have until **June 9, 2008**, to join any additional parties and to amend the pleadings.

C. The parties do not request a conference with the Court before entry of the Scheduling Order.

D. The parties request a pretrial conference 30 days after a ruling on dispositive motions or 30 days after the deadline for filing dispositive motions, whichever is later.

E. All potentially dispositive motions must be filed by **September 30, 2008**.

F. Settlement cannot be evaluated before the completion of discovery.

G. Final lists of trial witnesses and exhibits under Rule 26(a)(3) should be due from the Plaintiff 30 days prior to trial and from the Defendant 30 days prior to trial.

H. Parties should have ten days after service of final lists of witnesses and exhibits to list objections under Rule(a)(3).

I. The case should be ready for trial by **February 2, 2009**. Trial is expected to last two days.

Respectfully submitted this 30th day of July, 2007.

/s/ Russell W. Adams

RUSSELL W. ADAMS (ASB 3760-A62R)
Attorney for Plaintiff

Address of Counsel:
WIGGINS CHILDS QUINN & PANTAZIS, P.C.
The Kress Building
301 19th Street North
Birmingham, AL 35203-3204
(205) 314-0500

/s/ Alice Ann Byrne

ALICE ANN BYRNE (BYR 015)
Attorney for Defendants
State Personnel Department and
Jackie Graham, Director

Address of Counsel :
STATE PERSONNEL DEPARTMENT
64 North Union Street ~ Suite 316
316 Folsom Administrative Bldg.
Montgomery, AL 36130
(334) 242-3450

/s/ Aaron L. Dettling

AARON L. DETTLING (DET 003)
GWENDOLYN B. GARNER (GAR 050)
JOHN BRECKENRIDGE, JR. (BRE 012)
Attorneys for Defendants
Department of Revenue and
G. Thomas Surtees, Commissioner

BALCH & BINGHAM
1710 Sixth Avenue North
Birmingham, AL 35203-2014
(205) 251-8100